

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING VARIOUS SECTIONS OF CHAPTER 2.08 OF  
TITLE 2 OF THE SAN JOSE MUNICIPAL CODE AND  
REPEALING SECTION 25.04.610 OF CHAPTER 25.04 OF  
TITLE 25 RELATED TO THE CONSOLIDATION OF  
BOARDS, BUREAUS AND COMMISSIONS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 2.08.030 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.030 General Functions, Powers, and Duties**

- A. Each board or commission shall have the functions, powers, and duties as are granted to or bestowed upon it by the provisions of this Chapter.
- B. The City Council may, at any time, change the powers, functions and duties in any manner and to any extent as in its judgment is desirable.
- C. Each board or commission shall provide to the Council ~~not less than once~~ each fiscal year an annual work plan of activities to be undertaken and a subsequent report of its activities accomplishments.
- D. Each board or commission which requires funding in the City budget shall prepare and submit annually to the City Manager a proposed budget covering its proposed activities for the next fiscal year.
- E. Each board or commission may organize advisory and resource subcommittees to advise the board or commission concerning its functions and duties.
- F. Each board or commission shall do such other things as may from time to time be requested or approved by Council.
- G. Each board or commission shall coordinate with the City Manager and/or the City Clerk and the department heads designated by the City Manager in the performance of the commission's functions.

SECTION 2. Section 2.08.060 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.060 Absence from Meetings - Reappointment**

- A. A member of any board or commission, other than the Planning Commission, the Salary Setting Commission and the Civil Service Commission, shall be deemed to have automatically resigned from office if:
1. The board or commission has four or fewer regular meetings in any calendar year, and the member has unexcused absences from any two consecutive regular meetings of the board or commission; or
  2. The board or commission has more than four regular meetings in any calendar year, and the member has unexcused absences from either:
    - a. Any three consecutive regular meetings of the board, or commission; or
    - b. More than twenty percent of the total number of regular meetings in any calendar year or if the member was appointed to fill a vacancy, more than twenty percent of the total number of remaining regular meetings in that calendar year.
- B. For purposes of this Section, the following shall not be considered an unexcused absence:
1. An absence due to an illness of the member, or illness or death of a member's spouse, domestic partner, parent, child, ~~brother or sister~~sibling or dependent; or
  2. An absence because a member is away on authorized board or commission business; or
  3. For any member who is a City Councilmember or a City employee, an absence due to the member performing required City business; or
  4. An absence from a meeting of the Board of Administration for the Federated City Employees Retirement System or of the Board of Administration for the Police and Fire Department Retirement Plan which the board of administration has found to be for good cause; or

5. An absence due to a personal business necessity, jury duty or other matters of personal hardship.

- C. Within a reasonable period, but not exceeding ten days after a member has been deemed to have resigned pursuant to this Section, the secretary of the board or commission shall notify the City Clerk of the vacancy and the City Clerk shall thereupon notify the member that the member is deemed to have resigned pursuant to this Section. The City Clerk shall simultaneously notify the City Council that the vacancy exists as a result of the automatic resignation.
- D. Except as provided in subsection A. above, the provisions of this Section shall apply to all voting members of boards and commissions established or otherwise regulated under this Chapter 2.08.
- E. As used in this Section, "regular meetings" means regularly scheduled meetings of the board or commission and shall not include special meetings. For purposes of this Section, adjourned regular meetings or continued regular meetings shall be considered special meetings.
- F. For purposes of this Section, a member shall be deemed absent from a meeting if the member fails to be in attendance at a regular meeting for at least one-half of the duration of the regular meeting.
- G. A member whose seat has become vacant by virtue of the above provisions may be reappointed to his or her former office for the balance of the member's unexpired term if the Council finds there was good excuse for the member's absence from meetings or finds that the reappointment will be in the best interests of the City.
- H. In the event of a reappointment, the previous unexcused absences of the reappointed member shall not be considered in determining any future resignation of the member under this Section.

SECTION 3. Section 2.08.080 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.080 Procedural Rules and Regulations**

- A. Specific Procedural Rules and Regulations.

1. ~~Each~~ The following boards and commissions shall each adopt its own procedural rules and regulations for the conduct of its business subject to the approval of the Rules and Open Government Committee:

a. Board of Administration for the Federated City Employees Retirement System;

b. Board of Administration for the Police and Fire Department Retirement Plan;

c. Planning Commission;

d. Civil Service Commission;

e. Appeals Hearing Board;

f. Salary Setting Commission.

~~2B.~~ The rules may:

~~a1.~~ Provide for the establishment of various offices, provided membership therein is restricted to members of the board or commission.

~~b2.~~ Provide for the establishment of various committees or subcommittees which may contain nonmembers of the board or commission, provided that at least one of the members of the board or commission is a member of every committee or subcommittee.

~~c3.~~ Specify the powers, duties and functions of the offices and committees. If nonmembers of the board or commission are allowed on committees or subcommittees, the rules of the board or commission shall contain specific rules for the establishment and operation of the committees or subcommittees, including rules setting out conflict-of-interest provisions and specifying the number of nonmembers allowed, whether a majority of members are required, the voting rights of nonmembers, and the powers, duties and functions of the committees or subcommittees.

~~3C.~~ The rules shall comply with all applicable laws and ordinances and other applicable regulations or limitations.

**4D.** A copy of the rules shall be filed in the office of the City Clerk, where they shall be available for public inspection.

**B.** All other boards and commissions shall conduct their meetings pursuant to standardized rules and regulations developed by the City Clerk and amended from time to time, as approved by the Rules and Open Government Committee.

**SECTION 4.** Section 2.08.090 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.090 Quorum**

Unless otherwise specifically provided in this Chapter, a majority of the total number of seated members ~~s seats, whether filled or vacant,~~ shall be necessary to constitute a quorum for a board or commission to take action, although a lesser number may adjourn from time to time.

**SECTION 5.** Section 2.08.150 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.150 Term**

- A. The term of appointment to a Charter commission is as established by the Charter.
- B. Members of boards or commissions not established by the Charter shall serve for a term of ~~three~~ four (4) years unless otherwise specified in this Chapter. Such members shall be eligible for reappointment at the expiration of their first term for one additional ~~three~~ four (4)-year term. The first term shall begin from the date of the expiration of the former incumbent's term, irrespective of the date of actual appointment.
- C. Unless otherwise specified in this Chapter, members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term.
- D. Except as otherwise specified in this Chapter, a member may be appointed to serve a term of less than ~~three~~ four (4) years or a term of less than the number of years established by this Chapter for the particular board or commission if the Council determines that it is in the best interest of the board or commission that a member serve a shorter term in order to provide for appropriate staggered terms to preserve a continuity of membership on the board or commission.

- E. Except as otherwise specified in this Chapter, if a member has been appointed to serve a term of less than ~~one and one-half~~two (2) years, the member may be reappointed to serve on the same board or commission for up to two consecutive additional terms.
- F. Notwithstanding subsections A. through E. above, a member may be appointed to serve a third consecutive term with a length of one to ~~three~~four (4) years, in the discretion of the City Council, if the City Council finds that reappointment of such member to a commission would be necessary to:
  - 1. Maintain a functioning quorum on the commission; or
  - 2. Maintain commissioners with one or more years of experience or a required background on the commission; or
  - 3. Establish or reestablish staggered terms to preserve a continuity of membership on the board or commission.

**SECTION 6.** Part 1, entitled "General Provisions," of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to add the following section, to be numbered, entitled and to read as follows:

**2.08.180 Council Nominated Commissions**

- A. Each Councilmember, including the Mayor, shall nominate one Commissioner to each Council Nominated Commission. Names of those individuals chosen through the nomination process will be submitted to the City Council for formal appointment.
- B. On or before the occurrence of a vacancy, the City Clerk shall notify the Councilmember responsible for the nomination of that seat.
- C. In the event that a Councilmember or Mayor fails to provide a nominee within thirty (30) days of such notice, the Council Appointment Advisory Commission shall be authorized to submit a nominee to the City Council for formal appointment.
- D. The Council Nominated Commission selection process is only applicable to those Commissions specifically referencing this Section.

SECTION 7. Part 2, entitled “Advisory Commission On Rents And Rent Mediation And Arbitration Hearing Process,” of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

**~~Part 2~~**  
**~~Advisory Commission On Rents And Rent Mediation And Arbitration Hearing Process~~**

**~~2.08.200 Commission Established~~**

~~The San José Advisory Commission on Rents and Rental Dispute Mediation and Arbitration Hearing Process is hereby established.~~

**~~2.08.210 Number of Members~~**

~~The commission shall consist of seven members.~~

**~~2.08.220 Special Eligibility Requirements~~**

~~A. Two members shall be landlords of rental units as defined in Chapter 17.23.~~

~~B. Two members shall be tenants of rental units as defined in Chapter 17.23.~~

~~C. Three members shall be persons who are neither landlords nor tenants.~~

**~~2.08.230 Functions, Powers, and Duties~~**

~~The commission shall have the following functions, powers, and duties:~~

~~A. Make recommendations to the City Council regarding rules and regulations and amendments thereto which are necessary for the operation and administration of Chapter 17.23~~

~~B. Make recommendations to the City Council regarding changes in Chapter 17.23.~~

~~C. Prepare and transmit to the City Council and the City Manager a semiannual report on the operations of the dispute mediation and arbitration hearing process set forth in Chapter 17.23.~~

~~D. Make recommendations to the City Council and the City Manager regarding staffing necessary to operate and maintain the dispute mediation and hearing process set forth in Chapter 17.23.~~

## **2.08.240 Representative Membership**

~~The Council of the City of San José finds and declares as follows:~~

- ~~A. The Council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to administration of the rental dispute mediation and arbitration hearing process are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.~~
- ~~B. The landlords of rental units appointed to the advisory commission on rents are intended to represent and further the interest of San José landlords, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of landlords of rental units who serve as members of the advisory commission on rents, the San José residential rental property owners community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.~~
- ~~C. The tenants of rental units appointed to the advisory commission on rents are intended to represent and further the interest of the San José tenants, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for purposes of tenants of rental units who serve as members of the advisory commission on rents, the San José residential rental property tenants community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.~~

**SECTION 8.** Section 2.08.410 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

### **2.08.410 Number of Members**

The commission shall consist of ~~seven~~eleven (11) members.

**SECTION 9.** Section 2.08.420 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

### **2.08.420 Functions, Powers, and Duties**

The commission shall have the following functions, powers, and duties:



- A. Upon request of the City Council, the airport commission shall investigate, study, or review any matter pertaining to the airport or aviation as may be referred to the commission by the Council from time to time.
- B. If requested to do so by the director of aviation or member of the general public, or upon its own initiative, the airport commission may investigate, study or review any matter pertaining to the airport or aviation.
- C. The airport commission shall serve as an advisory body to the City Council and the Director of Aviation regarding Airport noise related issues and shall provide a public forum for Airport noise related issues, policies and decisions. The airport commission shall monitor curfew intrusion information and shall review the City's Airport public information program and the City's Airport noise complaint procedures.
- ~~E~~D. Reports and recommendations of the airport commission shall be submitted to the City Council and to the director of aviation. The airport commission and its individual members are not authorized to submit any reports or recommendations to any other official body or person other than the City Council or the director of aviation, unless first authorized to do so by the City Council. Nothing in this subsection is intended to prohibit any member of the airport commission, solely in his or her capacity as a private citizen, from making any recommendations to other official bodies or persons respecting the airport or aviation.
- ~~E~~~~D~~. The airport commission shall have no other general authority or responsibility except as is set forth in this Section. The commission shall have such other specific responsibilities as may be set forth in Chapters 15.04 and 18.40 Title 25 of this Code.

SECTION 10. Section 2.08.620 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.620 Functions, Powers, and Duties**

The board shall have the following functions, powers, and duties:

- A. Hear all administrative hearings and appeals authorized by this Code or by ordinance.
- B. Conduct all administrative abatement action hearings authorized by this Code or by ordinance.

- C. Perform the functions and duties within the jurisdiction of the code enforcement appeals commission and traffic appeals commission as set forth in other titles of this Code.
- D. Perform such other programs or functions related to administrative hearings and appeals that the City Council or the City Manager may, from time to time, authorize or request.
- E. Hear and determine, consistent with City policies, appeals from orders of the City traffic engineer pertaining to citizen requests for stop control devices.
- F. Issue decisions, consistent with City policies, to the City traffic engineer on the subject of installing stop signs at street intersections.

SECTION 11. Section 2.08.820 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.820 Number of Members**

The commission shall consist of ~~thirteen~~ eleven (11) members.

SECTION 12. Section 2.08.830 of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

**2.08.830 Term**

- ~~A. All members of the commission shall serve up to two three-year terms for a maximum of six years.~~
- ~~B. Members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term. Such member may be reappointed to serve on the arts commission for two full three-year terms if the member served less than one and one-half years of the unexpired term.~~

SECTION 13. Section 2.08.840 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

#### **2.08.840 Special Eligibility Requirements**

- A. All members shall be either of acknowledged accomplishment in one or more of the following fields: architecture, art criticism, art history, choreography, crafts, drama, landscape architecture, literature, music, painting, photography and sculpture; or they must have demonstrated a deep interest and appreciation of cultural and artistic activities.
- B. All members shall be appointed in accordance with the provisions of Section 2.08.180.

**SECTION 14.** Section 2.08.1430 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

#### **2.08.1430 Special Eligibility Requirements**

- A. Two members shall be persons with physical disabilities~~from the disability advisory commission.~~
- B. Two members shall be professional engineers or architects or other construction related professionals.
- C. One member shall be from the general public.

**SECTION 15.** Part 16 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to be entitled as follows:

#### **Part 16 San José ~~Elections~~ Ethics Commission**

**SECTION 16.** Section 2.08.1600 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

#### **2.08.1600 Commission Established, Continuation**

The San José ~~elections-ethics~~ commission is hereby established as the successor to and continuation of the San José Elections Commission.

SECTION 17. Chapter 2.08 of Title 2 of the San José Municipal Code is amended to add a new part, to be numbered, entitled and to read as follows:

**Part 22**

**Council Appointment Advisory Commission**

**2.08.2200 Commission Established**

The Council Appointment Advisory Commission is hereby established.

**2.08.2210 Number of Members**

The commission shall consist of eleven (11) members.

**2.08.2220 Functions, Powers and Duties**

The commission shall have the following functions, powers and duties:

- A. Review applications, interview applicants and maintain a pool of screened applicants for all City commissions.
- B. Review applications, interview applicants and nominate for appointment by the City Council, persons to those commission seats that have special eligibility requirements, or as otherwise set forth in this Chapter.
- C. Such other related duties as may be directed by the City Council.

**2.08.2230 Appointment Process**

All members shall be appointed in accordance with Section 2.08.180.

SECTION 18. Part 24, entitled “Disability Advisory Commission,” of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

**Part 24**

**Disability Advisory Commission**

**2.08.2400 Commission Established**

~~The Disability Advisory Commission is hereby established.~~

~~**2.08.2410 Number of Members**~~

~~The commission shall consist of eleven members.~~

~~**2.08.2420 Special Eligibility Requirements**~~

~~The majority of the members of the commission shall be persons with disabilities. The membership shall be representative of different disability groups, including physical, sensory and mental disabilities, and shall be representative of gender, age and ethnic groups in the community. All members shall be knowledgeable about the problems and rights of persons with disabilities and must have demonstrated a commitment to contribute to the full participation of persons with disabilities in society.~~

~~**2.08.2430 Quorum**~~

~~A majority of the total number of member seats which are filled shall be necessary to constitute a quorum for the commission to take action. An affirmative vote of at least a majority of those members of the commission who are present shall be necessary for the commission to take any action.~~

SECTION 19. Part 25, entitled "Early Care and Education Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

~~**Part 25**~~  
~~**Early Care And Education Commission**~~

~~**2.08.2500 Commission Established**~~

~~The Early Care and Education Commission is hereby established.~~

~~**2.08.2510 Number of Members**~~

~~Effective July 1, 2003, the commission shall consist of thirteen members.~~

~~**2.08.2520 Special Eligibility Requirements**~~

~~All members appointed to the commission shall have demonstrated an interest in the issues related to the provision of child care services.~~

### **2.08.2530 Functions, Powers, and Duties**

The commission shall have the following functions, powers, and duties:

- A. Study, evaluate, review and provide advice to the Council, the City Manager and the department heads designated by the City Manager on all matters and issues related to child care.
- B. Make such studies, and submit to the Council such reports or recommendations, respecting child care matters, as the Council may from time to time request.

### **2.08.2540 Representative Membership**

- A. The Council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to child care are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.
- B. The child care users appointed to the early care and education commission are intended to represent and further the interest of the San José child care user community, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of child care users who serve as members of the early care and education commission, the child care user community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.
- C. The child care providers appointed to the early care and education commission are intended to represent and further the interest of the San José child care provider community, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of child care users who serve as members of the early care and education commission, the child care provider community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.
- D. The child care provider employees appointed to the early care and education commission are intended to represent and further the interest of the San José child care employee community, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of child care employees who serve as members of the early care and education commission, the child care employee community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.

SECTION 20. Part 28 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

## Part 28

### Housing and Community Development ~~Advisory~~ Commission

#### **2.08.2800 Commission Established, Continuation**

The Housing and Community Development ~~Advisory~~ Commission is hereby established as the successor to and continuation of (a) the City commissions identified in Chapters 17.22 and 17.23 and related regulations; and (b) the Housing and Community Development Advisory Commission.

#### **2.08.2810 Members**

~~No later than January 1, 2007, the commission shall consist of nine (9) members, with a minimum of three (3) members who are lower income persons as defined in California Health and Safety Code Section 50079.5, as amended from time to time, plus a nonvoting member selected from the City of San José Senior Citizens' Commission.~~  
The commission shall consist of eleven (11) members.

#### **2.08.2820 Special Eligibility Requirements**

- A. One member shall be a person recommended by an organization of owners of San José mobilehome parks.
- B. One member shall be a person recommended by an organization of residents of San José mobilehome parks.
- C. Consistent with the goals of the citizen participation plan, the commission should include low-income members.
- D. The commission should also include members with experience related to development, lending, community development, homeless services, or federal funding.

~~No later than January 1, 2007, the commission shall consist of a minimum of one (1) but not more than two (2) members who are each a resident of Council Districts 3, 5, and 7, and a minimum of three (3) but not more than six (6) at-large members not residents of~~

~~Council Districts 3, 5, or 7. Any other special eligibility requirements are set forth in the commission's citizen participation plan, as may be amended from time to time.~~

#### **2.08.2830 Additional Desired Member Characteristics Appointment Process**

With the exception of those members to be recommended pursuant to Section 2.08.2820, the Council Appointment Advisory Commission shall review the applications for the Housing and Community Development Commission and nominate qualified applicants to the Mayor and Councilmembers for appointment.

~~A. Consistent with the goals of the citizen participation plan, the commission should include low-income members.~~

~~B. The commission should also include members with experience related to development, lending, community development, or federal funding.~~

#### **2.08.28~~430~~ Functions, Powers and Duties**

The commission shall have the following functions, powers, and duties:

~~A. Study, review, evaluate and make recommendations to the City Council and the Department of Housing of the City of San José, pertaining to the following matters:~~

~~1. Existing housing programs and policies in the City of San José.~~

~~2. New programs and policies that would further the City of San José's housing goals.~~

~~3. The City of San José's progress in meeting its housing goals.~~

~~B. Submit recommendations and reports to the City Council and the City Manager regarding housing policy in the City of San José as the City Council or the City Manager may from time to time request.~~

~~C. Hold public hearings in order to provide for meaningful citizen participation in the development and implementation of the CDBG program.~~

~~D. Make such studies, and submit to the Council such reports or recommendations respecting affordable housing and CDBG matters, as the Council may from time to time require or request.~~



E. ~~Develop proposals and recommendations to the City Council for use of CDBG funds.~~

A. ~~Housing and community development advisory functions.~~

1. ~~Study, review, evaluate and make recommendations to the City Council and the Department of Housing of the City of San José, pertaining to the following matters:~~

a ~~Existing housing programs and policies in the City of San José.~~

b ~~New programs and policies that would further the City of San José's housing and community development goals.~~

c ~~The City of San José's progress in meeting its housing goals.~~

2. ~~Submit recommendations and reports to the City Council and the City Manager regarding housing policy in the City of San José as the City Council or the City Manager may from time to time request.~~

3. ~~Hold public hearings in order to provide for meaningful citizen participation in the development and implementation of the Consolidated Plan.~~

4. ~~Make such studies, and submit to the City Council such reports or recommendations respecting affordable housing and community development matters, as the Council may from time to time require or request.~~

5. ~~Develop proposals and recommendations to the City Council for use of housing and community development funds.~~

B. ~~Functions related to Chapters 17.22 and 17.23.~~

1. ~~Make recommendations to the City Council regarding rules and regulations and amendments thereto which are necessary for the operation and administration of Chapter 17.22 or Chapter 17.23.~~

2. ~~Make recommendations to the City Council regarding changes in Chapter 17.22 or Chapter 17.23.~~

3. ~~Pursuant to 17.23.490, make recommendations to the City Council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.23.~~

4. Pursuant to 17.22.910, make recommendations to the City Council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.22.
5. Make recommendations to staff regarding updates of the forms used in implementing Chapter 17.22 or Chapter 17.23.
6. Conduct such studies and submit to the City Council and the City Manager such reports or recommendations respecting mobilehome parks and mobilehome living in the City of San José as the Council or the City Manager may from time to time request.
7. Make recommendations to the City Council regarding changes in provisions of Title 20 of this Code relating to mobilehomes and mobilehome parks.

#### **2.08.2850 Representative Membership**

The Council of the City of San José finds and declares as follows:

- A. The Council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to administration of the mobilehome rent ordinance are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.
- B. The mobilehome park owner appointed to the commission is intended to represent and further the interest of the San José mobilehome park industry, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of the mobilehome park owner who serves on the commission, the San José mobilehome park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.
- C. The mobilehome park resident appointed to the commission is intended to represent and further the interest of the San José mobilehome park residential community and their representation will ultimately serve the public interest. Accordingly, the Council finds that for purposes of the mobilehome park resident who serves on the commission, the San José mobilehome park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.

#### **2.08.2860 Transition Period**

As of July 1, 2013 and until December 31, 2013, the commission shall consist of the combined seated members of the Advisory Commission on Rents, the Mobilehome Advisory Commission and the Housing and Community Development Advisory Commission.

**SECTION 21.** Part 30 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**Part 30**  
**Human ~~Rights~~ Services Commission**

**2.08.3000 Commission Established, Continuation**

The Human ~~Rights~~ Services Commission is hereby established as the successor to and continuation of (a) the Human Rights Commission, and (b) the Disability Advisory Commission.

**2.08.3010 Number of Members**

As of January 1, 2014, the commission shall consist of thirteen (13) members.

**2.08.3020 Special Eligibility Requirements**

- A. As of January 1, 2014, pPersons appointed to the commission shall be representative of the entire community and shall be comprised of persons with demonstrated human rights concerns.
- B. At least one (1) member of the commission shall be a disability service provider or representative of the disabled community.
- C. At least one (1) member of the commission shall be a domestic violence service provider or a domestic violence survivor.

**2.08.3030 Functions, Powers, and Duties**

The commission shall have the following functions, powers, and duties:

- A. Implement the City of San José human rights policy and recommend programs which promote the fulfillment of human rights in the City.

- B. Study, review and evaluate and make recommendations to the City Council relative to matters affecting human rights, including but not limited to discrimination based on race, color, ethnicity, national origin, disability, age, sex, marital status, sexual orientation, gender identity or religion and relative to equal employment opportunity policies and practices within the City government and throughout the City.
- C. Advise and make recommendations regarding specific elements of the City of San José equal employment opportunity plan and programs affecting City employment.

#### **2.08.3040 Quorum**

~~A quorum for the commission shall consist of seven members of the commission. An affirmative vote of at least a majority of those members of the commission who are present shall be necessary for the commission to take any action.~~

#### **2.08.3040 Appointment Process**

- ~~A. The seats to be filled by members meeting the special eligibility requirements shall be nominated by the Council Appointment Advisory Commission.~~
- ~~B. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.~~

#### **2.08.3050 Transition Period**

~~As of July 1, 2013 and until December 31, 2013, the commission shall consist of the combined seated members of the Human Rights Commission and the Disability Advisory Commission.~~

SECTION 22. Part 32 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to be numbered and to read as follows:

### **Part 32**

#### **San Jose Library and Early Education Commission**

#### **2.08.3200 Commission Established, Continuation**

The San José Library and Early Education Commission is hereby established as the successor to and continuation of (a) the Early Care and Education Commission, (b) the

San José Library Commission, (c) the Library Bond Oversight Committee and (d) the Library Parcel Tax Oversight Committee.

#### **2.08.3210 Number of Members**

As of January 1, 2014, the commission shall consist of ~~nine~~ fifteen (15) members.

#### **2.08.3220 Special Eligibility Requirements**

At least four (4) members of the commission shall have a background in early childcare matters.

#### **2.08.32~~320~~ Functions, Powers, and Duties**

The commission shall have the following functions, powers, and duties:

A. Study, review, evaluate and make recommendations to the Council, City Manager and City librarian respecting existing and proposed library facilities, the utilization of such facilities, their use and operation, the extent and nature of library services to be rendered to the public, the financing of libraries and of their operations and services, and other matters respecting the library system.

B. Study, evaluate, review and provide advice to the Council, the City Manager and the department heads designated by the City Manager on all matters and issues related to child care.

CB. Make such studies, and submit to the Council such reports or recommendations respecting library and child care matters, as the Council may from time to time require or request.

#### **2.08.3240 Transition Period**

As of July 1, 2013 and until December 31, 2013, the commission shall consist of the combined seated members of the Early Care and Education Commission and the San José Library Commission.

SECTION 23. Part 34, entitled "Mobilehome Advisory Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

### **Part 34** **Mobilehome Advisory Commission**

**~~2.08.3400 Commission Established~~**

~~The Mobilehome Advisory Commission is hereby established.~~

**~~2.08.3410 Number of Members~~**

~~The commission shall consist of five members.~~

**~~2.08.3420 Special Eligibility Requirements~~**

- ~~A. One member shall be a person recommended by an organization of owners of San José mobilehome parks.~~
- ~~B. One member shall be a person recommended by an organization of residents of San José mobilehome parks.~~
- ~~C. Three members shall be neither mobilehome park owners nor mobilehome park residents nor representatives of such owners or residents, and shall be designated as neutrals.~~

**~~2.08.3430 Functions, Powers, and Duties~~**

~~The commission shall have the following functions, powers, and duties:~~

- ~~A. Make recommendations to the City Council regarding rules and regulations and amendments thereto which are necessary for the operation and administration of the mobilehome rent ordinance set forth in Chapter 17.22.~~
- ~~B. Make recommendations to the City Council regarding changes in the mobilehome rent ordinance.~~
- ~~C. Make recommendations to the City Council and the City Manager regarding staffing necessary to operate and maintain the mediation and administrative hearing processes set forth in the mobilehome rent ordinance.~~
- ~~D. Prepare and transmit to the City Council and the City Manager a semiannual report on the operations of the mediation and administrative hearing processes of the mobilehome rent ordinance.~~
- ~~E. Conduct such studies and submit to the City Council and the City Manager such reports or recommendations respecting mobilehome parks and mobilehome~~

~~living in the City of San José as the Council or the City Manager may from time to time request.~~

~~F. Make recommendations to the City Council regarding changes in provisions of Title 20 of this Code relating to mobilehomes and mobilehome parks.~~

#### **2.08.3440 Representative Membership**

~~The Council of the City of San José finds and declares as follows:~~

~~A. The Council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to administration of the mobilehome rent ordinance are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.~~

~~B. The mobilehome park owners appointed to the mobilehome advisory commission are intended to represent and further the interest of the San José mobilehome park industry, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of mobilehome park owners who serve members of the mobilehome advisory commission, the San José mobilehome park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.~~

~~C. The mobilehome park residents appointed to the mobilehome advisory commission are intended to represent and further the interest of the San José mobilehome park residential community and their representation will ultimately serve the public interest. Accordingly, the Council finds that for purposes of mobilehome park residents who serve as members of the mobilehome advisory commission, the San José mobilehome park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.~~

**SECTION 24.** Section 2.08.3650 of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

#### **2.08.3650 Terms**

~~A. All members of the board shall serve up to two four-year terms for a maximum of eight years.~~

~~B. Members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term. Such member may be reappointed to serve on the board for two full four year terms if the member served less than three and one-half years of the unexpired term.~~

SECTION 25. Section 2.08.3810 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.3810 Number of Members**

The commission shall consist of ~~nine~~ eleven (11) members.

SECTION 26. Part 38, entitled "Parks and Recreation Commission," of Chapter 2.08 of Title 2 of the San Jose Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

**2.08. 3815 Appointment Process**

All members of the Parks and Recreation Commission shall be appointed in accordance with the provisions of Section 2.08.180.

SECTION 27. Section 2.08.4210 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.4210 Number of Members**

The commission shall consist of ~~fifteen~~ eleven (11) members.

SECTION 28. Part 42, entitled "Senior Citizens' Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

**2.08.4215 Appointment Process**



All members of the Senior Citizens' Commission shall be appointed in accordance with the provisions of Section 2.08.180.

SECTION 29. Part 43, entitled "Small Business Development Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

**Part 43**  
**~~Small Business Development Commission~~**

**~~2.08.4300 Commission Established~~**

~~The Small Business Development Commission is hereby established.~~

**~~2.08.4310 Number of Members~~**

~~The commission shall consist of thirteen members.~~

**~~2.08.4320 Special Eligibility Requirements~~**

- ~~A. The City shall conduct outreach for ethnic and gender diversity in the membership of the commission.~~
- ~~B. The commission shall include representation by business persons whose business interests include work as a general contractor, subcontractor, vendor or consultant.~~
- ~~C. No less than four of the commission's thirteen members shall be representatives of chambers of commerce or other business or professional organizations in the City.~~

**~~2.08.4330 Functions, Powers and Duties~~**

~~The commission shall have the following functions, powers and duties:~~

- ~~A. Study, review and make recommendations to the City Council and/or redevelopment agency board and the City Manager and the executive director of the agency regarding the following areas:~~
  - ~~1. The City's nondiscrimination/ non-preferential treatment program and nondiscrimination and nonpreferential treatment policies in the City of San José.~~

- ~~2. The City's minority business enterprise/ women business enterprise program and disadvantaged business enterprise programs and policies for federally funded projects.~~
  - ~~3. The City of San José's progress in meeting its nondiscrimination/nonpreferential treatment program objectives.~~
  - ~~4. The City of San José's progress in increasing participation by small businesses in City contracts.~~
- ~~B. Study and submit reports as requested by the City Council or redevelopment agency board, the City Manager or executive director of the agency.~~
- ~~C. Perform other functions as requested by the City Council or redevelopment agency board.~~

#### **2.08.4340 Quorum**

~~A quorum for the commission shall consist of seven members of the commission. An affirmative vote of at least a majority of those members of the commission who are present shall be necessary for the commission to take any action.~~

**SECTION 30.** Part 46, entitled "Traffic Appeals Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is hereby repealed.

### **Part 46** **Traffic Appeals Commission**

#### **2.08.4600 Commission Established**

~~The Traffic Appeals Commission is hereby established.~~

#### **2.08.4610 Number of Members**

~~The commission shall consist of seven members.~~

#### **2.08.4620 Special Eligibility Requirements**

~~Each of the members of the commission shall, as nearly as possible, represent the various geographical areas of the City.~~

**2.08.4630 Functions, Powers, and Duties**

~~The commission shall have the following functions, powers, and duties:~~

- ~~A. To hear and determine, consistent with City policies, appeals from orders of the City traffic engineer pertaining to citizen requests for traffic control devices.~~
- ~~B. To issue decisions, consistent with City policies, to the City traffic engineer on the subject of installing stop signs at street intersections.~~
- ~~C. To make recommendations to the Council and/or City Manager respecting traffic in residential neighborhoods.~~

**SECTION 31.** Section 2.08.4820 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.4820 Number of Members**

The commission shall consist of eleven (11) members. ~~They shall reflect as nearly as reasonably possible the diverse demographic characteristics of the youth population of the City.~~

**SECTION 32.** Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.4830 Term**

- ~~A.~~ The term for each member shall be two (2) years from and after the expiration date of the former incumbent's term. Any appointment to fill an unexpired term shall be for the remainder of such unexpired term.
- ~~B.~~ Terms of office for commissioners for even-numbered Council districts shall begin in even-numbered years; terms of office for commissioners for odd-number Council districts shall begin in odd-numbered years.

**SECTION 33.** Section 2.08.4840 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

## **2.08.4840 Special Eligibility Requirements**

~~A. All members shall at the time of appointment be at least fourteen (14) years old and under twenty-one (21) years old.~~

~~B. One member shall be selected from the City at large. The remaining ten members shall be selected from each Council district.~~

SECTION 34. Part 48, entitled "Youth Commission," of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to add the following section, to be numbered, entitled and to read as follows:

## **2.08.4845 Appointment Process**

All members of the Youth Commission shall be appointed in accordance with the provisions of Section 2.08.180.

SECTION 35. Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code is hereby repealed.

## **25.04.610 Airport Noise Advisory Committee**

~~A. The City Council shall establish and approve the appointment of an airport noise advisory committee to serve as an advisory body to the City Council and the Director of Aviation regarding airport noise-related issues and to provide a public forum for airport noise-related issues, policies and decisions. The committee shall meet no less than quarterly.~~

~~B. The committee shall monitor curfew intrusion information on a quarterly basis and issue an annual report reviewing curfew intrusions and airline compliance with the airport noise control program to the City Council.~~

~~C. The committee shall review the City's airport public information program and the City's airport noise complaint procedures.~~

~~D. The committee shall consist of: one airport commissioner, who shall serve as chair of the committee; two citizen representatives who reside in the City of San José; one citizen representative who resides in the city of Santa Clara; one city of Santa Clara planner; one City of San José planning commission member; one~~

~~city of Santa Clara councilperson; one airline representative; one airman's association representative; one air transport association representative; and one business representative.~~

~~E. Airport staff and representatives from the federal aviation administration (FAA) (tower and terminal radar approach control) shall serve as technical representatives to the committee.~~

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
CHUCK REED  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
Acting City Clerk